

interested parties comment on whether a notice of proposed rulemaking to revise the current rules should be issued. The Notice also seeks comment on a variety of alternative assistance mechanisms and, in addition, requests that interested parties propose additional alternatives for possible inclusion in a subsequent notice of proposed rulemaking. The intended effect of adopting the Notice is to examine, in light of changes in the telecommunications industry and associated regulatory changes, the extent to which the existing USF and DEM weighting rules and potential alternatives promote universal service, competition, and efficient investment and operation, and to determine whether a notice of proposed rulemaking should be issued.

DATES: Comments must be filed on or before October 28, 1994, and reply comments must be filed on or before December 2, 1994.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Common Carrier Bureau, Accounting and Audits Division, (202) 418-0873.

SUPPLEMENTARY INFORMATION: The Notice proposes to undertake an evaluation of the existing USF and DEM weighting assistance mechanisms, explaining that the past several years of experience with those rules should assist the Commission in evaluating the current rules and prospective alternatives. The Notice also requests comment regarding variations on two primary alternatives to the present assistance mechanisms.

Assistance Based on Reported Costs. First, the Notice asks interested parties to consider and comment on modifications to the existing USF rules, which provide assistance to local exchange carriers (LECs) based upon their reported local loop costs. The Notice requests comment upon the definition of costs used to determine assistance, specifically the possibility of basing assistance upon the combination of local loop costs and switching costs (which are currently the basis for DEM weighting assistance). The Notice also raises the question of whether switching costs per subscriber vary significantly among LECs. The Notice asks interested parties to address the possibility of eliminating or reducing support for LECs serving large study areas or non-rural areas. Finally, the Notice seeks comment regarding several possible changes in the existing formula for USF assistance, including establishing a

sliding scale of declining assistance, changing the percentage of assistance for above-average costs, and changing the threshold for high-cost assistance.

Assistance Based on Proxy Factors. Second, the Notice asks interested parties to comment on the possibility of basing assistance to local service providers on the application of proxy factors rather than on reported costs, explaining that proxy factors could promote increased efficiency and cost control. The Notice describes several alternative proxy methods and, in addition, requests that commenters propose additional alternatives that could preserve universal service while promoting efficient operation and competition in the provision of telecommunications services.

The proxy approaches described in the Notice include the following alternatives for use as proxy factors: The number of subscriber loops per exchange, a combination of study area size and population density, and a combination of a proxy factor for cost and a proxy factor for general need (such as the ratio of average income to the cost of living in the area served). The Notice also asks interested parties to evaluate the merit of using proxy factors to make an initial determination of the amount of high-cost assistance to be directed to each state jurisdiction, and then using reported costs to determine the amount of assistance provided to individual carriers. Under such a system, the Notice requests comment regarding possible administration of the assistance plan by state regulatory commissions, pursuant to requirements set by the Commission. Finally, the Notice requests comment upon the possibility of establishing a voucher or credit system for telecommunications users, who would be allowed to claim high-cost assistance credits on their local service bills from the carrier of their choice.

Copies of the Notice can be obtained from International Transcription Services, Room 640—1990 M Street, N.W., Washington, D.C. 20036, telephone number: (202) 857-3800.

Federal Communications Commission.

William F. Caton.

Acting Secretary.

[FR Doc. 94-22193 Filed 9-8-94; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC74

187-94

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for *Helianthus eggertii* (Eggert's Sunflower)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to determine threatened status for *Helianthus eggertii* (Eggert's sunflower) under the authority of the Endangered Species Act of 1973, as amended (Act). This rare plant is presently known from Alabama, Tennessee and Kentucky with a total of 24 populations in 13 counties. It is threatened throughout its range by habitat alteration: residential, commercial, or industrial development; succession; and conversion of its limited habitat to pasture or cropland. Additionally, herbicide use, particularly along roadsides, may also be a threat. This proposal, if made final, would extend the Act's protection and recovery provisions to Eggert's sunflower.

DATES: Comments from all interested parties must be received by November 8, 1994. Public hearing requests must be received by October 24, 1994.

ADDRESSES: Comments, materials, and requests for a public hearing concerning this proposal should be sent to the Field Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. J. Allen Ratzlaff at the above address (704/665-1195, Ext. 229).

SUPPLEMENTARY INFORMATION:

Background

Helianthus eggertii (Eggert's sunflower) is a perennial member of the aster family (Asteraceae) known only from Kentucky, Tennessee, and Alabama. It is a tall (to 2.5 meters) plant arising from a short, thick base, perennating by shallow elongate, fleshy rhizomes that can form an extensive network. The plant is smooth, except for some slight roughening on the upper leaf surfaces, and has a blue-waxy coloration. Lower leaves are

conspicuously whitened. The plant's opposite (rarely whorled) leaves are mostly lanceolate to narrowly ovate—the largest being 10 to 20 centimeters (3.9 to 7.9 inches) long. Leaf edges are smooth or minutely toothed and the tip is usually pointed. Large (3-inch) yellow flowers are borne on the upper third of the stem. Achenes (seeds) are blackish or grayish and mottled, 5 to 6 millimeters (0.25 inches) long, very faintly striated, with just a few scattered trichomes ("hairs"). Flowering begins in early August and continues through mid-September, and achenes mature from early September to early October (Jones 1991). Jones (1991) observed fruit set at between 5 and 25 seeds per head. Germination rates are generally low for *Helianthus*, rarely exceeding 25 percent, and most require cold treatment (Heiser *et al.* 1969).

Eggert's sunflower develops an extensive rhizome system and it is likely these rhizomes can live for many years. Thus, the plant would not necessarily have to have fruit every year to insure its survival. Further, if environmental conditions changed (i.e., increased competition, shading, etc.) it may be able to survive for several years by vegetative means. Jones (1991) noted this was the case at several populations. How long they can survive under these conditions is unknown.

Small (1903) described Eggert's sunflower from specimens collected by H. Eggert near White Bluff in Dickson County, Tennessee. Beatley (1963) considered the plant a distinct species that was "conspicuous because of the colonial habit and glaucescence." In a comprehensive essay on *Helianthus*, Heiser *et al.* (1969) retained *H. eggertii* as a distinct species and placed it in the series *Divaricati*, being distinguished by the nearly sessile, glaucous, and glabrous leaves. This work pointed out that *H. eggertii* is a hexaploid ($n=51$) and could have arisen from a cross between *H. laevigatus* ($n=34$), a shale barren species of the Alleghany Mountains, and *H. decapetalus* ($n=17$), a widespread species of the eastern United States.

Spring and Schilling (1991) found *Helianthus eggertii* to have a unique chemical profile. Of the related sunflowers, the most similar was *H. laevigatus*, which shares 9 of 12 compounds. Smith (1957) considered *H. eggertii* to be a local minor variant of *H. strumosus* but this species proved to be very dissimilar biochemically.

Helianthus eggertii typically occurs on rolling to flat uplands in full sun or partial shade. It is often found in open fields or thickets along woodland borders with other tall herbs and small

trees. The distribution of this species shows a strong correlation with the barrens (and similar habitats) of the Interior Low Plateau Province, with a few records from the Cumberland Plateau and Appalachian Plateau Provinces. The following is a description of the species' status within each State where it occurs.

Alabama. The one known location for Eggert's sunflower in Alabama (Blount County) was discovered in 1981 by Robert Kral (Jones 1991). This population, while presently vigorous, could be impacted by Interstate-65 maintenance or improvements, or by development.

Tennessee. The following information on Eggert's sunflower in Tennessee is primarily from Jones (1991).

Prior to the status survey conducted by Jones (1991) there were 12 counties in Tennessee with records (13) of *Helianthus eggertii*. Four sites have been extirpated (one each in Coffee, Davidson, Lawrence, and Williamson Counties) and four were found to be erroneous (one each in Dekalb, Grundy, Clay, and Morgan Counties). Additional populations were discovered during the status survey and later by Milo Pyne (Tennessee Department of Environment and Conservation, 1993, *in litt.*). Several sites in Coffee County and Lewis County are likely single populations and are treated as such in this document. The 15 known *H. eggertii* sites in Tennessee are distributed as follows: Coffee County—5 populations (one of which has 8 "subpopulations"), Lawrence County—4 populations, and 1 population each in Dickson, Franklin, Lewis (with 6 "subpopulations"), Marion, Maury, and Williamson Counties. Most of these populations are small—half have fewer than 20 individual plants (genets). The other populations contain several hundred stems, but likely only a small percentage of these are individual genets. Ten of the 15 Tennessee populations are threatened by either roadside maintenance, weedy invaders, or development. One entire population (Arnold Engineering Development Center—this population is made up of 8 subpopulations) and a portion of another in Tennessee are on Federal land, three are all or partially on State land, and the remainder are in roadside rights-of-way or on private land.

Kentucky. The following information on Eggert's sunflower in Kentucky was primarily derived from Jones (1991).

All known Eggert's sunflower populations in Kentucky are from the Mammoth Cave Plateau region. Prior to the status survey conducted by Jones (1991) there were three counties in Kentucky with single occurrence

records of *Helianthus eggertii*. One site, in Edmonson County, has been extirpated and the other two records proved to be erroneous (one each in Lincoln and Jackson Counties). However, seven new populations were discovered during the status survey and an additional site was discovered in July 1992 (D. White, Kentucky State Nature Preserves Commission, 1993, *in litt.*). The eight known *H. eggertii* sites in Kentucky are distributed as follows: one population from the Edmonson/Barren County line, and one additional population from each of these counties, one population from Grayson County, and four populations from Hart County. All but one of these populations have fewer than 15 individual plants (genets) and 4 have 5 or fewer. Only two populations are in barrens and half are threatened by weedy competitors and/or road maintenance. Three of the eight Kentucky populations are all or partially on Federal land (Mammoth Cave National Park), one is owned by The Nature Conservancy, and the remainder are in roadside rights-of-way or are in private ownership.

Previous Federal Action

- Federal government actions on this species began with Section 12 of the Act (16 U.S.C. 1531 *et seq.*), which directed the Secretary of the Smithsonian Institution (Smithsonian) to prepare a report on those plants considered endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice (40 FR 27823) that formally accepted the Smithsonian report as a petition within the context of Section 4(c)(2) (now Section 4(b)(3)) of the Act. By accepting this report as a petition, the Service also acknowledged its intention to review the status of those plant taxa named within the report. *Helianthus eggertii* was included in the Smithsonian report and the July 1, 1975, Notice of Review. On June 16, 1976, the Service published a proposed rule (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be endangered species pursuant to section 4 of the Act; *Helianthus eggertii* was included in this proposal.

The 1978 amendments to the Act required that all proposals over 2 years old be withdrawn. On December 10, 1979 (44 FR 70796), the Service published a notice withdrawing plants proposed on June 16, 1976. The revised notice of review for native plants published on December 15, 1980 (45 FR 82480), included *H. eggertii* as a category 2 species. This species was

retained as a category 2 species when the notice of review for native plants was revised in 1983 (48 FR 53640), 1985 (50 FR 39526), and again in 1990 (50 FR 6184). Category 2 species are those for which the Service has information to indicate that proposing to list them as endangered or threatened may be appropriate, but for which substantial data on biological vulnerability and threats are not currently known or on file to support the preparation of rules.

Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make certain findings on pending petitions within twelve months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Helianthus eggertii* because of the acceptance of the 1975 Smithsonian report as a petition. Beginning in October 1983, and in each October thereafter until 1993, the Service made an annual finding that listing *Helianthus eggertii* was warranted but precluded by other pending listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. Additional data, discussed below, are now available to indicate that listing is warranted. The current proposal represents the final petition finding for this species.

The Service funded a survey in 1989 to better determine the status of *H. eggertii* throughout its range, and a final report on this survey was accepted by the Service in 1991. Based primarily on information contained in the 1991 report, the Service elevated *H. eggertii* to a category 1 species on August 30, 1993, and it was included as such in the revised notice of review for native plants published on September 30, 1993 (50 FR 51144). Category 1 species are those for which the Service has sufficient information on hand to support a proposal for listing.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Act and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to *Helianthus eggertii* Small (Eggert's sunflower) are as follows:

A. *The present or threatened destruction, modification, or*

curtailment of its habitat or range. Fifty-eight percent of the 24 known populations of *Helianthus eggertii* are threatened with destruction or adverse modification of their habitat.

Thirteen (54 percent) of the 24 known *Helianthus eggertii* locations are threatened by the encroachment of more competitive herbaceous vegetation and/or woody plants that produce shade and compete for limited water and nutrients. Active management is required to ensure that the species continues to survive at all sites.

Direct destruction of habitat for commercial, residential, or industrial development, along with intensive right-of-way maintenance, are significant threats to 9 (38 percent) of the 24 known sites.

Barrens habitat, which seems to be preferred by Eggert's sunflower, has been disappearing from the south-central United States at a rapid rate. Most of the habitat has been converted to cropland or pasture, or developed as residential or industrial sites. Further, DeSelm (1989), in a study on Tennessee barrens, reported that all of his study sites were in the later stages of succession—the absence of periodic fire being a major contributing factor.

As its natural habitat disappears, Eggert's sunflower is now found most often in habitats that only mimic its ecological requirements. These sites typically are disturbed habitats such as roadside rights-of-way, ditches, roadcuts, or mounds of soil and have the accompanying assortment of weedy vegetation associated with disturbed areas. Colonization likely occurs soon after the disturbance and the sunflower is able to compete initially. However, as succession progresses, this species is consequently reduced to vegetative growth from rhizomes and is eventually eliminated. Periodic burning, mowing, or thinning of vegetation at these sites could favor the species by lessening competition.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* There is little or no commercial trade in *Helianthus eggertii* at this time. Most populations are very small and cannot support collection of plants for scientific or other purposes. Inappropriate collecting for scientific purposes or as a novelty could be a threat to the species.

C. *Disease or predation.* Disease and predation do not appear to be factors affecting the continued existence of the species at this time. However, in several populations, larval insects have been noted as having destroyed nearly all the mature seeds in several flower heads (Jones 1991, personal observation 1992).

D. *The inadequacy of existing regulatory mechanisms.* *Helianthus eggertii* is a Species of Special Concern in Tennessee, but because it is not listed as endangered under that State's Rare Plant Protection and Conservation Act, it receives no formal protection. In Alabama, the species does not receive any protection by the State. In Kentucky, this sunflower is listed as endangered by the Kentucky Academy of Science and Kentucky State Nature Preserves Commission. However, these lists have no legal standing in the State.

Should the species be added to the Federal list of endangered and threatened species, additional protection from taking will be provided to the five populations that are all or partially on Federal land. Protection from inappropriate commercial trade also would be provided.

E. *Other natural or manmade factors affecting its continued existence.* The only other additional factor that threatens *Helianthus eggertii* is the extended drought the species has faced during the past few years. This condition is likely causing higher than normal mortality of seedlings in the natural populations and could, if continued over an extended period of time, have an adverse effect on the survival of *H. eggertii*.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Helianthus eggertii* as a threatened species. Threatened status is more appropriate than endangered, as threats to the species are not imminent and the species does not appear to be in danger of extinction at the present time. Critical habitat is not being designated for the reasons discussed below.

Critical Habitat

Critical habitat is defined in section 3 of the Act as: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) Essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. "Conservation" means the use of all methods and procedures needed to bring the species to the point at

which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Helianthus eggertii* at this time. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist—(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of such threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

Most populations of this species are small and the loss of even a few individuals to activities such as collection for scientific purposes could extirpate the species from some locations. Taking, without a permit, is prohibited by the Act from locations under Federal jurisdiction; however, only two of the known populations are entirely under Federal jurisdiction. Publication of critical habitat descriptions and maps would increase public interest, possibly lead to additional threats to the species from collecting and vandalism, and would increase enforcement problems.

Critical habitat would not be beneficial in terms of adding additional protection for the species under section 7 of the Act. Regulations promulgated for the implementation of section 7 provide for both a "jeopardy" standard and a "destruction or adverse modification" of critical habitat standard. Any additional protection from Federal actions gained under Section 7 of the Act would be minimal compared to the increase in risk from taking. Should Federal involvement occur, habitat protection will be addressed through the Section 7 consultation process, utilizing the "jeopardy" standard.

The owners and managers of all the known populations of *Helianthus eggertii* will be made aware of the plant's location and of the importance of protecting the plant and its habitat. Protection of this species' habitat will also be addressed through the recovery process.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include

recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may adversely affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. The majority of *Helianthus eggertii* populations are on privately owned or State owned land. However, one entire population and portions of three others are on Mammoth Cave National Park and one population of *H. eggertii* is on Arnold Engineering Defense Center (Department of the Interior, U.S. Park Service and Department of Defense, U.S. Air Force, respectively).

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 set forth a series of general prohibitions and exceptions that apply to all threatened plants. All trade prohibitions of Section 9(a)(2) of the Act, implemented by 50 CFR 17.71, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the

species from areas under Federal jurisdiction. In addition, for endangered plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of endangered plants in knowing violation of any State law or resolution, including State criminal trespass law. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulations. This protection may apply to threatened plants once revised regulations are promulgated. Certain exceptions apply to agents of the Service and State conservation agencies.

The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened species under certain circumstances. It is anticipated that few permits would ever be sought or issued because the species is not common in cultivation or in the wild. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Ecological Services (TE), 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345-3301 (phone 404/679-4000) (facsimile 404/679-7081).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Helianthus eggertii*;

(2) The location of any additional populations of *Helianthus eggertii* and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of this species; and

(4) Current or planned activities in the subject area and their possible impacts on *Helianthus eggertii*.

Final promulgation of the regulation on *Helianthus eggertii* will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of this proposal. Such requests must be made in writing and addressed to the Field Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Beatty, J. C. 1963. The sunflowers (genus *Helianthus*) in Tennessee. *J. of the Tenn. Acad. of Sci.* 38:135-154.

- DeSelm, H. R. 1989. The barrens of Tennessee. *J. of the Tenn. Acad. of Sci.* 64:89-95.
- Heiser, Jr., C. B., D. M. Smith, S. B. Clevenger, and W. C. Martin, Jr. 1969. The North American Sunflowers. *Memoirs of the Torrey Botanical Club* 22(3):1-218.
- Jones, R. L. 1991. Status Report on *Helianthus eggertii* Small. Unpublished report to the Asheville Field Office, U.S. Fish and Wildlife Service, Asheville, North Carolina. 99 pp.
- Small, J. K. 1903. *Flora of the Southeastern United States*. Published by the author. New York.
- Smith, D. M. 1957. The taxonomy of *Helianthus strumosus* and related species. Ph. D. Diss. Ind. Univ., Bloomington.
- Spring, O., and E. E. Schilling. 1991. The sesquiterpene lactone chemistry of *Helianthus* Sect. *Atrorubentes* (Asteraceae: Heliantheae). *Biochemical Systematics and Ecology* 19:59-79.

Author

The primary author of this proposed rule is Mr. J. Allen Ratzlaff, Asheville Field Office, U.S. Fish and Wildlife Service, 330 Ridgefield Court, Asheville, North Carolina 28806 (704/665-1195, Ext. 229).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Public Law 99-625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.12(h) is amended by adding the following, in alphabetical order under Asteraceae to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Asteraceae—Aster family:						
<i>Helianthus eggertii</i>	Sunflower, Eggert's	U.S.A. (AL, TN, KY)	T	NA	NA

Dated: August 26, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 94-22368 Filed 9-8-94; 8:45 am]

BILLING CODE 4310-55-P

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: Notice of Finding on a Petition To Change the Status of the Grizzly Bear Population in the Northern Continental Divide Ecosystem From Threatened To Recovered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day Petition Finding.

SUMMARY: The U.S. Fish and Wildlife Service announces a 90-day finding for a petition to amend the List of Endangered and Threatened Wildlife and Plants. The petitioners requested that the grizzly bear (*Ursus arctos horribilis*) population in the Northern

Continental Divide Ecosystem be delisted from threatened to recovered.

The Fish and Wildlife Service finds that the petitioners did not provide substantial information to indicate that the petitioned action may be warranted.

DATES: The finding announced in this notice was approved on August 31, 1994.

ADDRESSES: Questions and comments concerning this finding should be sent to Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, 100 N. Park., Suite 320, Helena, Montana, 59601. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the Fish and Wildlife Service office at the above address.

FOR FURTHER INFORMATION CONTACT: Kemper McMaster (see ADDRESSES above), telephone (406) 449-5225.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a 90-day finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. Notice of the finding is to be published promptly in the **Federal Register**. This notice meets the latter requirement for the 90-day finding made earlier for the petition discussed below. Information contained in this notice is a summary of the information in the 90-day finding, which is the Service's decision document.

On March 14, 1994, the Service received a petition dated March 11, 1994, from the Resource Organization On Timber Supply (ROOTS). The petitioners requested that the Service delist the grizzly bear (*Ursus arctos*